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September 14, 2016

By ECF

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Henry Davis v. City of New York, et al.,
1:16-cv-1539-KAM-RLM

Claude Ruffin, et ano., v. City of New York, et al.,
1:16-cv-1538-ILG-RLM

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of The City of New York, representing the defendant The City of New York in these related actions. I am writing in response to Your Honor's Order to Show Cause of Monday, September 12 regarding the missed conference. In addition, I am writing to request that the conference, currently scheduled for September 20, 2016 at 11:00 a.m. be adjourned until the following week as I will be on vacation and unavailable on that date. Plaintiff's counsel, David Thompson, consents to this request to adjourn the conference.

First, I offer my apologies to the Court for my failure to appear at the conference on Monday and offer them to plaintiffs' counsel as well. The fault was mine in not properly placing the conference on my calendar, nor, apparently, did my adversary. The scheduling order in this case was issued on the Friday before a holiday when I was not in the office. I saw the Order on my cell phone but am unable to access my calendar through my phone. I intended to place it on my calendar when I returned to the office on Tuesday but failed to do so as I was in depositions three out of four days last week. As there is no one else in this office who tracks these cases or my calendar, this is solely my responsibility, and the fault for this oversight lies with me. However, this was an oversight and one that will not be repeated. The parties have been attending to this case in an effort to keep it moving forward, including recent discussions about the possibility of settlement. In addition, Mr. Thompson and I have come to an agreement

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regarding a proposed scheduling order in this case and are prepared to proceed with discovery following the rescheduled initial conference.

The Court has rescheduled the initial conference for September 20, 2016. Unfortunately, I will be in California, starting Friday, September 16 through the following Sunday, September 25, 2016. I will therefore be unable to attend the conference in person on that date. I am therefore requesting that the Court adjourn the rescheduled conference until a date convenient to the Court during the week of September 26, 2016. Should the Court prefer, I can be available by telephone for the conference on September 20, 2016.

I apologize again for my absence on Monday and thank the Court for its attention to this request.

Respectfully submitted,

/s

Elissa B. Jacobs

cc: David Thompson Esq. **By ECF**
Attorney for Plaintiffs